

**Amendments to the Drawings:**

The attached sheet of drawings includes changes to Fig. 1, 5-7 and 10. These sheets, which includes the Fig. 1-2, 5-7 and 10, replaces the original sheets including Fig. 1-2, 5-7 and 10. In Figure 1, the "Path C" reference label has been removed. In Figures 5-7, the following reference labels were removed: 513, 514, 515, 518, 624, 625, 625, 740, 742 and 748. In Figure 10, the following reference labels were removed: 1020, 1022, 1024, 1025 and 1026.

Attachment: Replacement Sheets

## **REMARKS**

This Amendment is in response to the Office Action mailed December 28, 2007. In the Office Action, the specification and drawings were objected based on alleged informalities. Moreover, claims 1-7 were rejected under 35 U.S.C. §103(e) and claims 8-14 were rejected under 35 U.S.C. §103(a). Herein, claims 7-9 have been amended and claims 15-19 have been added. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

### ***Specification - Title***

The Examiner objects to the title of the invention as not being descriptive. A new title has been submitted. Withdrawal of the objection to the title is respectfully requested.

### ***Specification - Disclosure***

The Examiner objects to paragraphs [0035], [0048], [0051], [0052] and [0058] based on various alleged informalities. Applicants have amended paragraphs [0035], [0048] and [0058] to address the alleged informalities. However, paragraphs [0051] and [0052] do not require amendment based on the amendments to FIG. 9. Withdrawal of the objection to the disclosure is respectfully requested.

### ***Drawings***

FIGs. 1, 5-7 and 9-10 of the drawings were objected to for allegedly failing to comply with 37 CFR §1.121(d). Applicants have amended these drawings to comport with the textual description in the specification, but reserve the right to alter the specification and/or claim any features depicted in these originally filed drawings. Withdrawal of the objections to the drawings is respectfully requested.

### ***Rejection Under 35 U.S.C. §102***

Claims 1-7 were rejected under 35 U.S.C. §102(e) as being anticipated by Ogino (U.S. Patent No. 6,038,625). Applicants respectfully traverse the rejections because *prima facie* cases of anticipation have not been established.

As the Examiner is aware, in order to anticipate a claim under §102(e), Ogino must teach every element of the claim. “A claim is anticipated *only if each and every element as set forth in the claim is found, either expressly or inherently described*, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (Emphasis added). Applicants respectfully submit that Ogino does not teach each and every limitation set forth in the claims.

For instance, with respect to independent claim 1, Applicants respectfully submit that Ogino does not describe the limitation of “preparing capability information..., said capability information including receive, transmit and conversion capabilities for each of the plurality of devices....” Herein, Ogino describes the query of a device to ascertain its characteristics and capabilities, but this query appears to be directed to understanding the physical architecture of the HAVI network, and clearly, does not explicitly or implicitly teach the capability information to be receive, transmit and conversion capabilities for each of the plurality of devices.

Moreover, with respect to independent claim 1, Applicants respectfully submit that Ogino does not describe the limitation of “producing a plurality of possible transmission paths between the receiving device and other devices based on the capability information collected and stored.” While the Examiner cites column 8, line 66 through column 9, line 19 as providing such teachings, we disagree. Ogino teaches a Stream Manager (335) that is used to determine the most effective route for AV streams, but such teachings do not disclose the production of multiple possible transmission paths or makes this determination based on the capability information as claimed.

Hence, in light of the foregoing, Applicants respectfully request the Examiner to withdraw the outstanding §102(e) rejection as applied to claim 1.

With respect to dependent claims 2-7, Applicants respectfully submit that Ogino fails to describe all of the claimed limitations as claimed. Since claims 2-7 depend on claim 1, which appears to be in condition for allowance, no further discussion as to the allowability of claims 2-7 is required. Applicants reserve the right to present further arguments if an Appeal is warranted.

***Rejection Under 35 U.S.C. §103***

Claims 8-14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ogino (U.S. Patent No. 6,038,625). Applicants respectfully traverse the rejection because (i) Ogino does not constitute prior art, and (ii) a *prima facie* case of obviousness has not been established.

Herein, the Office Action uses Ogino as prior art references under 35 U.S.C. §103(a). However, 35 U.S.C. §103(c) excludes references which may qualify as prior art under 35 U.S.C. § 102(e), (f), and (g) from being used as a prior art reference under 35 U.S.C. §103(a). The text of 35 U.S.C. §103(c) recites that “[s]ubject matter developed by another person, which qualifies as prior art under one or more of subsections (e), (f) and (g) of section 102 of this title, shall *not* preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.” *Emphasis added; See 35 U.S.C. §103(c), MPEP 706.02.*

Herein, the subject application has been assigned to Sony Corporation. Ogino is an issued patent also assigned to Sony Corporation and Sony Electronics Corporation (Reel 009134/Frame 0238) on or around April 13, 1998. At the time of filing of the subject application, both Ogino and the claimed invention set forth in the subject application were at least subject to an obligation of assignment. Ogino issued on March 14, 2000, which is less than one year from the filing date of the subject application (April 7, 2000) and almost one year after the filing date of the provisional application (U.S. Provisional Application No. 60/128,677 filed April 9, 1999).

Moreover, even if Ogino was considered prior art, Applicants respectfully submit that Ogino does not suggest the invention as set forth in the pending claims, especially the invention set forth in independent claims 1 and 9.

Therefore, in light of the foregoing, Applicants respectfully request that the Examiner withdraw this outstanding rejection of claims 8-14 under 35 U.S.C. §103(a).

### ***Double Patenting***

The Examiner rejects claims 1-14 under the judicially created doctrine of the obviousness-type double patenting as being unpatentable over claims 1-8 and 18-24 of United States Patent No. 6,976,267. Applicants respectfully submit a terminal disclaimer to obviate the outstanding double patenting rejection. Withdrawal of the obviousness-type double patenting rejection is respectfully requested.

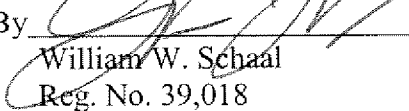
### ***Conclusion***

In view of the remarks made above, it is respectfully submitted that pending claims 1-14 are in condition for allowance, and such action is earnestly solicited at the earliest possible date. The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application. To the extent necessary, a petition for an extension of time under 37 C.F.R. is hereby made. Please charge any shortage in fees in connection with the filing of this paper, including extension of time fees, to Deposit Account 02-2666 and please credit any excess fees to such account.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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By   
William W. Schaal  
Reg. No. 39,018  
Tel.: (714) 557-3800 (Pacific Coast)

1279 Oakmead Parkway,  
Sunnyvale, CA 94085-4040